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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

10/826,709

Filed:

April 16, 2004

Applicants:

Gaonkar et al.

Title: Multilayer edible moisture barrier

for food products

Art Unit:

1761

Examiner:

Kuhns, Sarah L.

Attorney Docket:

77046

Customer No.:

22242

#### Confirmation No. 1774

## CERTIFICATE OF FACSIMILE

I hereby certify that this paper is being faxed to Examiner Sarah Louise Kuhns, Group Art Unit 1761, at 571.273.8300 at the Commissioner for Patents. Alexandria, VA, on this date-

Timothy E. Levstik Registration No. 30,192. Attorney for Applicant(s)

# SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

#### Dear Madam:

This is an Information Disclosure Statement being submitted in accordance with 37 C.F.R. \$\$ 1.97-1.98 in connection with the above-identified Application. Submitted herewith is Form PTO-1449. As discussed during an interview of this application on December 7, 2005, an information disclosure statement would be filed in one or more of the applications which were simultaneously interviewed at the December 7 interview. These applications were SN 10/304,446 filed November 26, 2002, SN 10/373,394 filed February 23, 2003 and SN 10/826,709 filed April 16, 2004. This information disclosure statement is being filed pursuant to that discussion to make sure all art of which the Examiner was aware during the interview was "officially cross cited" in each of the applications interviewed.

The above-referenced Application is a Continuation-in-Part Application of Application Serial No. 10/304,446. All of the references cited on this Information Disclosure Statement were cited either in that Parent Application (Serial No. 10/304,446, and copies of these references can be found therein) or in SN 10/373,394. Only four references (US Publication Nos. 2003/0008037 and 2003/0008038 to Valenzky; US Publication No.

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Supplemental Information Disclosure Statement Application No. 10/876,709

2003/0077356 to Campbell; and US Patent No. 6,139,885 to Jouanneau) are being cited from SN 10/373,394 and they are of very marginal relevance.

Pursuant to 37CFR \$1.97(c), the Commissioner is hereby authorized to charge Deposit Account No.06-1135 in the amount of \$180.00 to cover the fee set forth in 37CFR \$1.17(p). A duplicate copy of this Statement is enclosed herewith.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

Fitch, Even Tabin & Flannery

Timothy E. Levstik

Registration No. 30,192

Date: //

Fitch, Even, Tabin & Flannery 120 South LaSalle Street, Suite 1600 Chicago, Illinois 60603-4277 (312) 577-7000

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			US- 2,521,219				09/05/1950	H	olman ei	al.				
			US- 3,526,515	3			09/01/1970	W	/erbin et	al				
		TIS- 4,950,500 US- 5,376,388 US- 5,401,518				10/02/1990	K	Kester et al.						
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						03/28/1995	A	dams et	al.					
		US- 5,409,715		_	04/25/1995		cycrs							
	_		US- 5,133,96	0			07/18/1995	м	leyers					
		US- 5,518,744		ļ	0.5/21/1996	К:	acser et	al.						
			US- 3,343,16	4		Ļ	08/06/1996	К	Krochta et al.					
			US- 5,891,49	5		04/06/1999		_  C	Cain et al.					
			US- 5,939,114	<b>;</b>			08/17/1999	G	Cain et al. Gonzalez et al.					
			U5- 6,146,67	2		ļ <u>.</u>	11/14/2000	G						
			US-6,461,65-	4		↓_	10/08/2002	Cain et al.						
			US-6,503,54	6		<u></u>	01/07/2003		Ferrari-Philippe et al.					
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		wo	92/01394			02	/06/1992	Tanne	r et al.					
		wo	97/15198			05	/01/1997	Heuve	d ct al.					
		wo	03/007736		<u> </u>	01,	30/2003	Rastia	ans et al					<u>,</u>
		EP 0	421.510			04	/10/1991	Bethk	e et al.					
		EP 0	509566			10	/21/1992	van de	r Grad	et aL				
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<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through clistion if not in conformance and not considered. Include copy of this form with next communication to applicant.

'Applicant's unique citation designation number (optional).

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		US-6,039,988	3		Ţ,	03/21/2000	Monte		_		
		US-5,795,603	3			08/18/1998	Burger				
		US-5,736,140	,		- (	05/26/1998	Shoop et 21,				
		US-5,573,793				11/12/1996					
		US-5,472,724				12/03/1995	Williams et al	<u> </u>		· · · · · · · · · · · · · · · · · · ·	
		US-5,409,7]7				14/25/1995	Apicella et al.				
		US- 5,130,150				)7/14/1992	Averbach		7		
		U\$-5,089,278				2/18/1992	Haynes et al.				
-,	<u> </u>	U\$-5,035,904			(	7/30/1991	Huang et al.				
		US-4,999,208	·			33/12/199]	Lengerich et al. Langler				
<del></del>		US-4,847,098			(	7/11/1989					-
		US-4,448,791			٥	5/15/1984	Fulde et a <u>l</u> .				
	<u> </u>	US-4,293,572			1	0/06/1981	Silva ec al.		T		
	<u> </u>	US-4,157,403			0	6/05/1979	Schiffmann et al.				
<del>.</del>	$oxed{oxed}$	US-3,965,323			0	5/22/19 <b>76</b>	Forker, Jr. et al.				
		US-3,293,043			12	2/20/1966	Maczet al,				
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<u>-</u>		WO 99/51102				10/14/1999	Gonzalez et ol.				$\dagger \dagger$
		WO 01/97625				12/27/2001	Cornclissen et al.				H

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Boehmer et al.

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<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant's unique citation designation number (optional). See Kind Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. Inter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the setial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. Applicant is to place a check mark here if English language Translation is attached.

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			U.S. PATENT D	OCUMENTS		
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examiner Initials*	No,	Number-Kind Code <sup>2</sup>	MM-DD-YYYY	Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	
		US-4,401,681	08/30/1983	Dahle		
		US-3,696,514	10/10/1972	McIntyre et al.		
		US-4,472,440	09/18/1984	Bank		
		US-4,504,502	03/12/1985	Excle et al.		
		US-4,603,051	07/29/1986	Rubenstein et al.		
		US-4,661,359	04/28/1967	Scaborne et al.		
		US-4,710,228	12/01/1987	Seaborne et al.		
		US-4,721,622	01/26/1988	Kingham et al.		
		US-4,810,534	03/07/1989	Seaborne et al.		
		US-5,248,512	09/28/1993	Berberat et al.		
		US-5,753,286	05/19/1988	Higgins		
•		US-5,789,008	06/04/1998	Monte		
		US-6,066,347	05/23/2000	Prasad et al.		
		US-5,705,207	01/06/1998	Cook et al.		
		US-5,736,1 <b>7</b> 8	04/07/1998	Cook et al.		
		U\$-5,885,617	03/23/1999	Jordan		

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	No.'	Country Code'-Number'-Kind Code'	Publication Date  MM-DD-YYYY  Applicant of Cited Document		Where Relevant Passages or Relevant Figures Appear	ŀ	
		EP 1080642	03/07/2001	Caluwaerts et al.			Ť
		EP 1142 <del>494</del>	10/10/2001	Rogers et al			Ť
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			U.S. PATENT D	OCUMENTS	
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Initials*	No.1	Number-Kind Code <sup>2</sup>	MM-DD-YYYY	Applicant of Cited Document	or Relevant Figures Appear
		US-6,110,515	08/29/2000	Clechet et al.	
		US-6,038,542	03/14/2000	Ruckdashel	
		US-6,300,474	12/31/2002	Cross et al.	
		117,71,6-2U	01/23/2001	Dufort et al.	
		US-4,721,622	01/26/1988	Caine et al.	
		US-6,139,885	10/31/2000	Jouanneau et al.	
		US-2003/0008037	01/09/2003	Valenzky Jr. et al.	
		US-2003/0008038	01/09/2003	Valenzky Jr. et al.	
		US-2003/0077356	04/24/2003	Campbell et al.	
		US-5,928,692	. 07/29/1999	Mayfield	
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PTO/SB/08B				Application Number	10/626,709		
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		NON PATENT LITERATURE DOCUMENTS	
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		Donhowe et al., "Water Vapor and Oxygen Permeability of Wax Films" IAQCS, Vol. 70, No. 9, September 1993	
		Hagenmaier et al., "Ethbic Coatings from Morpholine-Pree Wax Microemulsions", <u>J. Agric Food Chem.</u> 45, 349-352, 1997	
		Greener et al., "Barrier Propercies and Surface Characteristics of Edible, Bilayer Films", Journal of Food Science, Vol. 54, No. 6, 1989	
		Kester et al., The Influence of Polymorphic Form on Oxygen and Water Vapor Transmission through Lipid Films", JAOCS, Vol. 66, No. 8, August 1989	
		Kester et al., "Resistance of Lipid Films to Water Vapor Transmission", <u>IAOCS</u> , Vol. 66, No. 8, August 1989	
		Landmann et al., "Penneability of Some Fat Products to Moisture", The Journal of the American Oil Chemists' Society. Vol. 37, January 1960	
		Lovegren et al., "Permeability of Acetostearin Products to Water Vapor", Agricultural and Food Chemistry, Vol. 2., No. 11, May 26, 1954	
		Martin-Polo et al., "Hydrophobic Films and Their Efficiency Against Moisture Transfer. 2. Influence of the Physical State", J. Agric, Food Chem., Vol. 40, No. 3, 1992	
		Kamper et al., "Water Vapor Permeability of Edible Bilayer Films, <u>Journal of Food Science</u> , Vol. 49, 1984	
		Greener et al., "Evaulation of Edible, Bilayer Films for Use as Moisture Barriers for Food, Journal of Food Science, Vol. 54, No. 6, 1989	
		Kamper et al., "Use of Edible Film to Maintain Water Vapor Gradients in Foods, Journal of Food Science, Vol. 50, 1985	
		Kester et al., "An Edible Film of Lipids and Cellulose Ethers: Barrier Properties to Moisture Vapor Transmission and Structural Evaluation", Journal of Food Science, Vol. 54, No. 6, 1989	
		Kamper et al "Water Vapor Permezhility of an Edible, Fatty Acid, Bilayer Film, Journal of Food Science, Vol. 49, 1984	
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	Greener et al., "Barrier Properties and Surface Characteristics of Edible, Bilayer Films", <u>Journal of Food Science</u> , Vol. 54, No. 6, 1989	
	Morillon et al., "Factors Affecting the Moisture Permeability of Lipid-Based Edible Films: A Review", Critical Reviews in Food Science and Nutrition, 42(1):67-89, 2002	
	Rhodes et al., "Coatings for Controlled-Release Drug Delivery Systems", <u>Drug Development and Industrial Pharmacy</u> , 24(12), 1139-1154, 1998	
	Shukla, "What's a Plastics Extruder Doing in the Food Business?", Certal Foods World, Vol. 41, No. 8, August 1996	
	Chen, "Functional Properties and Applications of Edible Films Made of Milk Proteins", <u>I Diary Sci.</u> 78:2563-2583, 1995	
	Kester et al., "An Edible Film of Lipids and Cellulose Ethers: Performance in a Model Frozen-Food System", <u>Journal of Food Science</u> , Vol. 54, No. 6, 1989	
	Koelsch et al., "Functional, Physical, and Morphological Properties of Methyl Cellulose and Fatty Acid-Based Edible Rantiers", Lebensm. Wiss.u. Technol., Vol. 25, 1992.	
	EP Search Report, EP 04250728, 2004, 4 pages.	
	Robinson, "Building a Better Cheese", Food R & D, Dairy Field's Ingredient Technology Section, Vol. 181(4), pages 39-41, 1998.	
	Hui, "Edible Oil and Fax Products: Products and Application Technology", Wiley-Interscience, 233750, page 340, 1999.	
		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.). date, page(a), volume-issue number(s), publisher, city and/or country where published  Greener et al., "Earrier Properties and Surface Characteristics of Edible, Bikyer Films", Journal of Food Science, Vol. 54, No. 6, 1989  Morillon et al., "Factors Affecting the Moisture Permeability of Lipid-Based Edible Films: A Review", Critical Reviews in Food Science and Nutrition, 42(1):67-89, 2002  Rhodes et al., "Coatings for Controlled-Release Drug Delivery Systems", Drug Development and Industrial Pharmacy, 24(12), 1139-1154, 1998  Shukla, "What's a Plastics Extruder Doing in the Food Business?", Certal Foods World, Vol. 41, No. 8, August 1996  Chen, "Evnetional Properties and Applications of Edible Films Made of Milk Proteins", 1Diany Sci., 78:2363-2583, 1995  Kester et al., "An Edible Film of Lipids and Cellulose Ethers: Performance in a Model Prozen-Food System", Journal of Food Science, Vol. 54, No. 6, 1989  Kockech et al., "Functional, Physical, and Morphological Properties of Methyl Cellulose and Fatty Acid-Based Edible Barders", Lebensm. Wissue, Technol., Vol. 25, 1992.  EP Search Report, EP 04250728, 2004, 4 pages.  Robinson, "Building a Better Cheese", Food R & D. Dairy Field's Ingredient Technology Section, Vol. 181(4), pages 39-41, 1998.

Examiner	Date
Signature	Considered

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